REGISTERED No. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. III.] Trivandrum, Wednesday, 8th January 1958 [No. 1.

Law Department

NOTIFICATION.

LD (b) 4-3497/57/Law.

Dated, Trivandrum, the 8th January 1958.

The following Acts of the Kerala State Legislature are hereby published for general information. The Bills as passed by the Legislative Assembly received the assent of the Governor on the 5th January, 1958.

By order of the Governor,
P. NARAYANASWAMI,
Additional Secretary.

The Kerala Stay of Eviction Proceedings (Second Amendment) Act, 1957 (Act 1 of 1958)

The Agricultural Income Tax (Amendment) Act, 1957 (Act 2 of 1958)

The Travancore-Cochin Forest (Amendment) Act, 1957 (Act 3 of 1958)

The Madras District Boards (Amendment) Act, 1957 (Act 4 of 1958)

The Madras Village Panchayats (Amendment) Act, 1957 (Act 5 of 1958)

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1958.

Kerala Gazette Extraordinary No. 1 dated 8th January 1958.

ACT 1 OF 1958

THE KERALA STAY OF EVICTION PROCEEDINGS (SECOND AMENDMENT) ACT, 1957

An

ACT

further to amend the Kerala Stay of Eviction Proceedings Act, 1957.

Preamble.—WHEREAS it is expedient further to amend the Kerala Stay of Eviction Proceedings Act, 1957, for the purpose hereinafter appearing;

BE it enacted in the Eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Stay of Eviction Proceedings (Second Amendment) Act, 1957.

(2) It shall come into force at once.

2. *Amendment of section 1.*—In sub-section (3) of section 1 of the Kerala Stay of Eviction Proceedings Act, 1957 (Act 1 of 1957), for the expression "11th day of October, 1957", the expression "11th day of April, 1958" shall be substituted.

3. *Repeal.*—The Kerala Stay of Eviction Proceedings (Amendment) Ordinance, 1957 (Ordinance No. 4 of 1957), is hereby repealed.

ACT 2 OF 1958

THE AGRICULTURAL INCOME TAX (AMENDMENT) ACT, 1957

An

ACT

to amend the Agricultural Income-tax Act, 1950.

Preamble.—WHEREAS it is expedient to amend the Agricultural Income-tax Act, 1950, for the purposes hereinafter appearing;

BE it enacted in the Eighth Year of the Republic of India as follows: —

1. *Short title and commencement.*—(1) This Act may be called the Agricultural Income-tax (Amendment) Act, 1957.

(2) This Act shall be deemed to have come into force on the 1st day of April, 1957.

2. *Amendment of section 2.*—In section 2 of the Agricultural Income-tax Act, 1950 (Act XXII of 1950) (hereinafter referred to as the principal Act),—

(i) for clause (h), the following clause shall be substituted, namely: —

"(h) 'Company' means a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956) and includes a foreign company within the meaning of section 591 of that Act and any foreign association, whether incorporated or not, which the Government may, by general or special order, declare to be a company for the purposes of this Act;" ; and

(ii) for clause (k), the following clause shall be substituted, namely: —

"(k) 'Firm', 'Partner' and 'Partnership' have the same meanings respectively as in the Indian Partnership Act, 1932 (Central Act 9 of 1932), but the expression 'Partner' shall also include any person who being a minor has been admitted to the benefits of partnership;".

3. *Amendment of section 16.*—In the proviso to sub-section (1) of section 16 of the principal Act, for the words "from among Judicial Officers not below the rank of a District Judge", the following words shall be substituted, namely: —

"from among persons who are or have been Judicial Officers not below the rank of a District Judge".

Kerala Gazette Extraordinary No. 1 dated 8th January 1958.

ACT 3 OF 1958

THE TRAVANCORE-COCHIN FOREST (AMENDMENT) ACT, 1957

An

ACT

to amend the Travancore-Cochin Forest Act, 1951.

Preamble.—WHEREAS it is expedient to amend the Travancore-Cochin Forest Act, 1951, for the purposes hereinafter appearing;

BE it enacted in the Eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Travancore-Cochin Forest (Amendment) Act, 1957.

(2) It shall come into force at once.

2. *Amendment of section 1.*—In section 1 of the Travancore-Cochin Forest Act, 1951 (Act III of 1952) (hereinafter referred to as the principal Act), for sub-section (2), the following shall be substituted, namely:—

"(2) It extends to the whole of the State of Kerala excluding the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956."

3. *Amendment of section 2.*—In section 2 of the principal Act, for clause (*e*), the following clause shall be substituted, namely:—

"(*e*) "Forest Produce" includes the following when found in, or brought from, a forest, that is to say,—

(i) trees and leaves, flowers and fruits and all other parts or produce of trees;

(ii) plants not being trees (including grass, creepers, reeds and moss) and all other parts or produce of such plants;

(iii) wild animals and skins, tusks, horns, bones, silk cocoons, honey and wax and all other parts or produce of animals;

(iv) peat, surface oil, rock and minerals (including limestone and laterite), mineral oils and all produce of mines and minerals".

4. *Omission of Chapter VIII.*—Chapter VIII of the principal Act shall be omitted.

5. *Amendment of section 93.*—In sub-section (2) of section 93 of the principal Act—

(i) in clause (d), the words "belonging to or" occurring between the words "but grown on lands" and "in the occupation of private persons" shall be omitted;

(ii) after clause (d), the following new clause shall be inserted, namely:—

"(dd) to regulate or prohibit the felling, lopping, cutting, maiming or otherwise maltreating of trees standing on land temporarily or permanently assigned, the right of the Government over which has been expressly reserved in the deed of grant or assignment of such land".

6. *Amendment of Section 99.*—In section 99 of the principal Act, the words "other than royalties" occurring between the words "timber" and "found" shall be omitted.

7. *Saving of operation of sections 55 to 65.*—The repeal of sections 55 to 65 of the principal Act shall not affect the operation of the said sections, as respects—

(i) the rights of the Government over trees which are royalties and which have been felled before the commencement of this Act;

(ii) the preferring of claims to kudivila in pursuance of a notice under section 55 issued before the commencement of this Act;

(iii) the inquiry into claims for kudivila preferred either before or after the commencement of this Act; and

(iv) the powers of the Forest Officer, the District Court or the High Court, to pass awards or to modify or reverse such awards on reference or on appeal; and any such rights, claims, inquiries, and powers may be enforced, preferred, conducted or exercised as if the said sections have not been repealed.

Kerala Gazette Extraordinary No. 1 dated 8th January 1958.

ACT 4 OF 1958

THE MADRAS DISTRICT BOARDS (AMENDMENT) ACT, 1957

An

ACT

to amend the Madras District Boards Act, 1920.

Preamble.—WHEREAS it is necessary to amend the Madras District Boards Act, 1920, for the purposes hereinafter appearing;

BE it enacted in the Eighth Year of the Republic of India as follows: —

1. *Short title and commencement.*—(1) This Act may be called the Madras District Boards (Amendment) Act, 1957.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of Section 74-B, Madras Act XIV of 1920.*—In section 74-B of the Madras District Boards Act, 1920, as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (hereinafter referred to as the principal Act), the words "being a tax on the annual rent value of lands" shall be omitted.

3. *Substitution of new section for section 78, Madras Act XIV of 1920.*—For section 78 of the principal Act, the following section shall be substituted, namely: —

"78. *Land-Cess.*—The land-cess shall be levied on all lands in the district, other than any land or class of lands which the Government may, by notification in the Gazette, exempt and shall consist of a tax of one naya paisa per annum for every five cents of land or part thereof.".

4. *Omission of sections 79 to 86, Madras Act XIV of 1920.*—Sections 79 to 86 of the principal Act shall be omitted.

5. *Amendment of section 87, Madras Act XIV of 1920.*—In section 87 of the principal Act, the words "In the case of lands held on ryotwari tenure" shall be omitted.

6. *Omission of section 90, Madras Act XIV of 1920.*—Section 90 of the principal Act shall be omitted.

Kerala Gazette Extraordinary No. 1 dated 8th January 1958.

ACT 5 OF 1958

THE MADRAS VILLAGE PANCHAYATS (AMENDMENT) ACT, 1957

An

ACT

to amend the Madras Village Panchayats Act, 1950.

Preamble.—WHEREAS it is expedient to amend the Madras Village Panchayats Act, 1950, for the purpose hereinafter appearing;

BE it enacted in the Eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Madras Village Panchayats (Amendment) Act, 1957.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of Section 63.*—In sub-section (3) of section 63 of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), for clause (a), the following clause shall be substituted, namely:—

"(a) a land-cess on all lands other than any land or class of lands which the Government may, by notification in the Gazette, exempt, at the rate of one naya paisa per annum for every five cents of land or part thereof".